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CITY OF PASADENA, JOHN LEWY,  
KALVIN BLAKE, and TAYLOR  
VINCENT

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

DAISY ALVAREZ, individually and as  
successor in interest to Ricardo  
Andrade, deceased,

Plaintiff,

v.

CITY OF PASADENA; JOHN LEWY;  
KALVIN BLAKE; TAYLOR  
VINCENT; and DOES 1-7,

Defendant.

Case No. 2:25-cv-02490-MWF-PVC

**DEFENDANTS JOHN LEWY,  
KALVIN BLAKE, AND TAYLOR  
VINCENT'S ANSWER TO FIRST  
AMENDED COMPLAINT FOR  
DAMAGES; DEMAND FOR JURY  
TRIAL**

Judge: Michael W. Fitzgerald

Come now Defendants JOHN LEWY, KALVIN BLAKE, and TAYLOR  
VINCENT hereby Answers the First Amended Complaint for Damages (hereinafter  
"Complaint") of Plaintiff DAISY ALVAREZ ("Plaintiff") in the above-entitled

1 action, for themselves and for no other parties, admit, deny, and allege as follows:

2 1. In answering paragraphs 1 and 2 of the First Amended Complaint, these  
3 answering Defendants admit that jurisdiction and venue are proper. These answering  
4 Defendants deny all remaining allegations.

5 2. In answering paragraphs 3, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 23,  
6 24, 25, 28, 29, 30, 31, 32, 33, 35, 36, 37, 38, 39, 40, 42, 43, 44, 45, 46, 47, 49, 50,  
7 51, 52, 53, 54, 55, 56, 58, 59, 60, 61, 62, 63, 64, 65, 66, 68, 69, 70, 71, 72, 74, 75,  
8 76, 77, 78, 79, 81, 82, 83, 84, 85, 86, 87, 88, 89 and the prayer for relief of the First  
9 Amended Complaint, these answering defendants deny any and all allegations of the  
10 respective paragraphs. To the extent any statement of law is made therein, these  
11 answering Defendants asserts the law speaks for itself.

12 3. In answering paragraphs 4 and 5 of the First Amended Complaint,  
13 Defendants lacks sufficient information to respond to the allegations of the  
14 paragraphs and therefore deny any and all allegations. To the extent any statement  
15 of law is made therein, Defendants asserts the law speaks for itself.

16 4. In answering paragraph 6 of the First Amended Complaint, Defendants  
17 admit that the City of Pasadena is a municipal entity organized and existing under  
18 the laws of the State of California. These answering Defendants deny all remaining  
19 allegations.

20 5. In answering paragraph 7 of the First Amended Complaint, Defendants  
21 admit that at all relevant times Defendant John Lewy was a police officer working  
22 for the Pasadena Police Department. These answering Defendants deny all  
23 remaining allegations.

24 6. In answering paragraph 8 of the First Amended Complaint, Defendants  
25 admit that at all relevant times Defendant Calvin Blake was a police officer working  
26 for the Pasadena Police Department. These answering Defendants deny all  
27 remaining allegations.

28 7. In answering paragraph 9 of the First Amended Complaint, Defendants

1 admit that at all relevant times Defendant Taylor Vincent was a police officer  
2 working for the Pasadena Police Department. These answering Defendants deny all  
3 remaining allegations.

4 8. In answering paragraphs 20, 26, 34, 41, 48, 57, 67, 73, and 80 of the  
5 Complaint, these answering Defendants hereby incorporate its admissions and  
6 denials to the Complaint.

7 9. In answering paragraph 21 and 27 of the First Amended Complaint,  
8 Defendants admit that on April 13, 2024, Pasadena Police Officers contacted  
9 decedent when he was in his vehicle, a white pickup truck. Defendants admit that  
10 decedent fled in his vehicle and that the pursuit ended when decedent collided with  
11 an unoccupied vehicle parked in front of a residence. Defendants admit that  
12 decedent then ran on foot. These answering Defendants deny all remaining  
13 allegations contained therein.

14 10. In answering paragraph 22 of the First Amended Complaint,  
15 Defendants admit that Decedent died as a result of this incident. These answering  
16 Defendants deny all remaining allegations.

17 **AFFIRMATIVE DEFENSES**

18 AS SEPARATE AND AFFIRMATIVE DEFENSES, Defendants allege as  
19 follows:

20 **FIRST AFFIRMATIVE DEFENSE**

21 11. The First Amended Complaint fails to state a claim upon which relief  
22 can be granted. The First Amended Complaint also fails to state a claim for relief  
23 against Defendants.

24 **SECOND AFFIRMATIVE DEFENSE**

25 12. Defendants deny that Plaintiff or Decedent have been deprived of any  
26 rights, privileges, or immunities guaranteed by the laws of the United States or by  
27 the laws of the State of California.

1 **THIRD AFFIRMATIVE DEFENSE**

2 13. At all relevant times, the Defendants acted within the scope of  
3 discretion, with due care, and good faith fulfillment of responsibilities pursuant to  
4 applicable statutes, rules and regulations, within the bounds of reason under the  
5 circumstances, and with the good faith belief that its actions comported with all  
6 applicable laws. Any individual Defendants therefore assert qualified immunity  
7 from liability.

8 **FOURTH AFFIRMATIVE DEFENSE**

9 14. Defendants deny that it violated Decedent's Fourth Amendment rights,  
10 or any other federal, constitutional, or other rights.

11 **FIFTH AFFIRMATIVE DEFENSE**

12 15. To the extent that any force was used against Decedent, the force used  
13 was privileged and reasonable as a matter of law.

14 **SIXTH AFFIRMATIVE DEFENSE**

15 16. Decedent's own conduct estops Plaintiff from claiming the damages  
16 alleged in the First Amended Complaint.

17 **SEVENTH AFFIRMATIVE DEFENSE**

18 17. To the extent that Plaintiff has alleged a supplemental state law cause  
19 of action, she has failed to submit timely Government Claims, as required by the  
20 California Tort Claims Act of 1963, which is codified as California Government  
21 Code § 810-998.3, which bars this Court from hearing those claims.

22 **EIGHTH AFFIRMATIVE DEFENSE**

23 18. Defendants are immune from liability for its actions by the application  
24 of one or more of the immunities set forth in the California Government Code,  
25 including the immunities set forth in §§ 815.2, 818.2, 818.8, 820, 820.2, 820.4,  
26 820.6, 820.8, 821.6, 821.8, 822.2, 844, 845.6, and 845.8.

27 **NINTH AFFIRMATIVE DEFENSE**

28 19. Plaintiff's cause of action for a Fourth Amendment violation is barred

1 because any force used by Defendant and their employees was privileged as  
2 reasonable to defend oneself or others.

3 **TENTH AFFIRMATIVE DEFENSE**

4 20. To the extent that Plaintiff suffered any damages, which the Answering  
5 Defendants deny, the damages were suffered in whole, or in part, by the negligence  
6 of Plaintiff or Decedent, and the damages of Plaintiff should be reduced by a  
7 proportional amount.

8 **ELEVENTH AFFIRMATIVE DEFENSE**

9 21. The damages alleged were directly and proximately caused and  
10 contributed to by the negligence of other persons, and the extent of damages  
11 sustained, if any, should be reduced in proportion to the amount of said negligence.

12 **TWELFTH AFFIRMATIVE DEFENSE**

13 22. Plaintiff's damages, if any, should be reduced because of Plaintiff's or  
14 Decedent's failure to mitigate damages, if any.

15 **THIRTEENTH AFFIRMATIVE DEFENSE**

16 23. Punitive Damages cannot be imposed against a public entity.

17 **FOURTEENTH AFFIRMATIVE DEFENSE**

18 24. Plaintiff's claims are barred by the failure to comply with the  
19 applicable statute of limitations.

20 **FIFTEENTH AFFIRMATIVE DEFENSE**

21 25. Plaintiff has failed to join necessary and/or indispensable parties.

22 **SIXTEENTH AFFIRMATIVE DEFENSE**

23 26. At all relevant times, each Defendant acted independently and not in  
24 association or concert with or as agent or servant of any other Defendant, including  
25 any sued herein under fictitious names, or of the employees or agents of other  
26 Defendants.

27 **SEVENTEENTH AFFIRMATIVE DEFENSE**

28 27. At the time and place of the alleged incident and for some time before

1 then, the risks and dangers of the incident (assuming said risks and dangers existed)  
2 were fully known to and appreciated by Plaintiff and Decedent, and Plaintiff and  
3 Decedent thereby voluntarily assumed any and all risks and dangers, including the  
4 risk and danger of the alleged incident complained of in Plaintiff's Complaint.

5 **EIGHTEENTH AFFIRMATIVE DEFENSE**

6 28. Plaintiff's claims are barred by the doctrine of unclean hands.

7 **NINETEENTH AFFIRMATIVE DEFENSE**

8 29. Plaintiff's claims are barred by the doctrine of laches.

9 **TWENTIETH AFFIRMATIVE DEFENSE**

10 30. Any injury or damages suffered by Plaintiff or Decedent were caused  
11 solely by reason of Decedent's wrongful acts and conduct, and not by reason of any  
12 unlawful acts or omissions of the Defendants.

13 **TWENTY-FIRST AFFIRMATIVE DEFENSE**

14 31. Any recovery on the Plaintiff's First Amended Complaint, or any  
15 purported claim or cause of action alleged therein, is barred in whole or in part by  
16 the Plaintiff and Decedent's own conduct which violated numerous provisions of the  
17 California Penal Code and, as such, was negligent per se.

18 **TWENTY-SECOND AFFIRMATIVE DEFENSE**

19 32. Because the First Amended Complaint is couched in conclusory terms,  
20 Defendant cannot fully anticipate all affirmative defenses that may be applicable to  
21 this action. Accordingly, the right to assert additional affirmative defenses, if and to  
22 the extent that such affirmative defenses are applicable, is hereby reserved.

1 Dated: September 11, 2025

BURKE, WILLIAMS & SORENSEN, LLP

2  
3  
4 By: /s/ Caylin W. Jones

Nathan A. Oyster

Caylin W. Jones

Attorneys for Defendants

CITY OF PASADENA, JOHN

LEWY, KALVIN BLAKE, and

TAYLOR VINCENT

**DEMAND FOR JURY TRIAL**

Defendants JOHN LEWY, KALVIN BLAKE, and TAYLOR VINCENT demand a trial before a jury on all issues presented by Plaintiff's First Amended Complaint triable to a jury.

WHEREFORE, Defendants JOHN LEWY, KALVIN BLAKE, and TAYLOR VINCENT pray that:

1. Judgment be rendered in favor of Defendants JOHN LEWY, KALVIN BLAKE, and TAYLOR VINCENT and against Plaintiff DAISY ALVAREZ;
2. Plaintiff DAISY ALVAREZ take nothing by this action;
3. Defendants JOHN LEWY, KALVIN BLAKE, and TAYLOR VINCENT be awarded costs of suit incurred herein; and
4. Defendants JOHN LEWY, KALVIN BLAKE, and TAYLOR VINCENT be awarded such other and further relief as the Court may deem necessary and proper.

Dated: September 11, 2025

BURKE, WILLIAMS & SORESENSEN, LLP

By: /s/ Caylin W. Jones

Nathan A. Oyster

Caylin W. Jones

Attorneys for Defendants

CITY OF PASADENA, JOHN  
LEWY, KALVIN BLAKE, and  
TAYLOR VINCENT